

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO

JUROR SELECTION PLAN

Adopted: April 7, 1997

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

JUROR SELECTION PLAN

Pursuant to the Jury Selection and Service Act of 1968, as amended, (28 U.S.C. 1861 et seq.), the following plan is hereby adopted by this Court subject to approval by the reviewing panel for the Sixth Circuit and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

IT IS SO ORDERED,

George W. White, Chief Judge

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

JUROR SELECTION PLAN

Table of Contents

A.	Definitions	2
B.	Applicability of the Plan	2
C.	Declaration of policy	3
D.	Discrimination prohibited	3
E.	Management and supervision of the jury selection process	3
F.	Jury selection sources	3
G.	Initial selection of names for the master jury wheel	4
H.	Method and manner of random selection	5
I.	Automated selection of names	5
J.	Maintaining master jury wheels	6
K.	Drawing of names from the master jury wheels: Completion of juror qualification forms	7
L.	Excuses on individual request	8
M.	Temporary excuses	8
N.	Exemption from jury service	8
O.	Qualifications for jury service	9
P.	Qualified jury wheel	9
Q.	Public announcement of the place and time of automated selection of names by computer center	10
R.	Assignment to panels	10
S.	Frequency of service	11

A. DEFINITIONS

1. As used in this plan, the word "divisions" shall mean the division established in the section herein captioned "Applicability of Plan".
2. The words used in this plan which are defined in Section 1869 of the Act, as amended, shall have the meaning therein specified.
3. Whenever the phrase "voter's list(s)" or "list of voters" is used in this Plan, it shall be intended to mean names obtained from the official registration lists as provided in Ohio Revised Code Section 3503.27.

B. APPLICABILITY OF THE PLAN

The Northern District of Ohio is hereby divided, for jury selection purposes, pursuant to Title 28 U.S.C. 1869(e), as follows:

Eastern Division, at Akron, consisting of the counties of:

Carroll	Summit
Holmes	Tuscarawas
Portage	Wayne
Stark	

Eastern Division, at Cleveland, consisting of the counties of:

Ashland	Lake
Ashtabula	Lorain
Crawford	Medina
Cuyahoga	Richland
Geauga	

Eastern Division, at Youngstown, consisting of the counties of:

Columbiana
Mahoning
Trumbull

Western Division, at Toledo, consisting of the counties of:

Allen	Mercer
Auglaize	Ottawa
Defiance	Paulding
Erie	Putnam
Fulton	Sandusky
Hancock	Seneca

Hardin
Henry
Huron
Lucas
Marion

Van Wert
Williams
Wood
Wyandot

The provisions of this plan apply to all divisions in the Northern District of Ohio, unless specifically indicated to the contrary, by written order of the Court.

C. DECLARATION OF POLICY

It is the policy of the Court that all litigants in this Court, entitled to trial by jury, shall have the right to grand and petit juries selected at random from a fair cross section of the community in each division wherein the Court convenes and that all citizens resident within the District shall have the opportunity to be considered for service on grand and petit juries and shall have an obligation to serve as jurors when summoned for that purpose.

D. DISCRIMINATION PROHIBITED

No citizen shall be excluded from service as a grand or petit juror in this Court on account of race, color, religion, sex, national origin or economic status.

E. MANAGEMENT AND SUPERVISION OF THE JURY SELECTION PROCESS

1. The Clerk of Court shall manage the jury selection process under the supervision and control of the Chief Judge.
2. In this plan, "Clerk" and "Clerk of Court" shall mean not only the Clerk of the District Court of the United States, any authorized deputy clerk, but also any other person authorized by the court to assist the clerk in the performance of functions under this chapter. (28 U.S.C. 1869(a), as amended.)

F. JURY SELECTION SOURCES

1. The Judges of the Court find that the sources from which the names of grand and petit jurors shall be selected at random shall be from the general election voter registration lists, it appearing to the Court that section 3503.06 of the Ohio Revised Code provides in part that "no person shall be entitled to vote at any general election ... unless he is registered as an elector." It is the opinion of the Court that electors registered to vote at general elections in this District represent a fair cross-section of the community in the Northern District of Ohio. Accordingly, the names of grand and petit jurors selected for service in this Court in the refilling of the master and qualified jury wheels following each presidential election, shall be selected at random from the Official Registration Lists. (Whenever the phrase "voter's list(s)" or "list of voters" is used in this

Plan, it shall be intended to mean names obtained from the official registration lists as provided in Ohio Revised Code Section 3503.27.)

2. It further appearing to the Court that Section 3503.27 of the Ohio Revised Code provides in part that "in order to efficiently maintain accurate and current lists of registered voters, the Secretary of State shall, beginning January 1, 1979, maintain a master file of all registered voters in this state," and that the Secretary of State, in compliance with the above statute is collecting and is maintaining a current list of all registered voters in the State of Ohio on a computer located in his offices in the City of Columbus, Ohio; now therefore, the names of grand and petit jurors selected for service in this Court in accordance with the order shall be selected at random first from the Master file of registered voters in the office of the Secretary of State of Ohio at Columbus, Ohio, if available, and if not, from the official Registration Lists maintained by each County Board of Elections.

G. INITIAL SELECTION OF NAMES FOR THE MASTER JURY WHEEL

1. The Judges of the Court find that the initial selection of persons to be considered for service as grand and petit jurors from the lists of voters shall be made at random in such a total number as may be deemed sufficient for a four (4) year period.
2. The number of names drawn from each county shall be substantially in the same proportion to the total number drawn from all counties within the Division as the number of names on that county's list of voters bears to the total number of names on the lists of voters for all counties within the Division. For example, if there are exactly 240,000 names on the list of voters of all counties within the Division, and there are 48,000 names on County "A's" list (twenty percent of the total), then the number of County "A's" names initially selected should be substantially twenty percent of the total number selected from all counties within the Division.
3. For the purpose of calculating from the lists of voters the total number of voters in the respective divisions within the District, the Clerk will add together the totals obtained for each county. The number taken as the total for each county may be based, at the Clerk's option, upon either a manual or a mechanized count of names on the county's list or upon such total number as is furnished by the Board of Elections for the county, or by the Secretary of State of Ohio.
4. After first determining the total number of names needed for the master jury wheel, and then the proportionate share of names to be drawn from the list of voters for each particular county, the Clerk shall proceed through the use of a properly programmed data computer to make the initial selection of names from the list of voters of each county.

H. METHOD AND MANNER OF RANDOM SELECTION

1. At the clerk's option, and after consultation with the Chief Judge, the selection of names from a complete source list database in electronic media for the master jury wheel may be accomplished by a purely randomized process through A properly programmed electronic data processing system. Similarly, at the option of the clerk and after consultation with the court, a properly programmed electronic data processing system for pure randomized selection may be used to select names from the master wheel for the purpose of summoning persons to serve as grand or petit jurors. Such random selections of names from the source list for inclusion in the master wheel by data computer personnel must insure that each county within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 USC Sec 1863 (b)(3). The selections of names from the source list and the master wheel, and the qualified wheel must also insure that the mathematical odds of any single name being picked are substantially equal.

I. AUTOMATED SELECTION OF NAMES

1. The Judges of the Court have determined that electronic data processing shall be used for selecting and copying names from the master file of registered voters of the Secretary of State of Ohio who maintains this list in electronic machine readable form, such as punched cards, magnetic tapes, or magnetic discs.
2. The Judges further find that if not all counties are included on said Master File of the Secretary of State at the time the Clerk fills the Master Jury Wheels of this Court, it may be advantageous to employ a combination of methods whereby names are initially selected from the voters lists manually and then recorded on punched cards and tapes for subsequent handling and copying of these names by electronic machine methods.
3. Therefore, a properly programmed electronic data processing system or a combination system employing both manual and electronic machine methods may, at the Clerk's option and after consultation with the Chief Judge, be used to select master wheel names from voter lists of any or all counties in the District, provided that the required proportions of names from each county are maintained and that the above described random selection method is followed.
4. Similarly, the Judges of the Court find that an electronic data processing system or a combination electronic and manual system may, at the option of the Clerk and the Chief Judge, be used to select names from the qualified wheel of persons to be summoned to serve as grand or petit jurors, and for the recording of names of prospective jurors on any papers and records needed by the court to administer the selection, and payment of jurors.
5. If the court elects to use electronic machine methods in connection with any or all of the district's voter records, source lists, master jury wheels, or qualified jury wheels, the name selection shall be planned and programmed according to a random selection method formula. If the court uses

a manual system for drawing names from any division's master or qualified wheel(s), the name shall be randomly drawn by lot.

J. MAINTAINING MASTER JURY WHEELS

1. The Clerk shall maintain jury wheels for each of the divisions within the District. The names and addresses of all persons randomly selected from the lists of voters at the last presidential general election shall be placed in the master jury wheel for that division. The physical form of record on which names for the master wheel(s) are kept may include such electronic data storage devices as punched cards, magnetic tapes, or magnetic disc files. Pursuant to Section 1863(b)(4) of the Act, the minimum number of names to be placed in the master jury wheel(s) shall be at least 1/2 of 1% of the total number of names on all county voter lists.
2. The Clerk shall cause the lists obtained to be placed in the master wheel computer where these names will be first alphabetized and then numbered. Thereafter, a list will be prepared for each master wheel of the number, name, and post office address of each person on each master wheel. These lists will be maintained in the appropriate office of the Clerk. That is, the lists of the numbers, names, and addressees of the prospective jurors on the master jury wheel at Cleveland will be maintained in the Office of the Clerk at Cleveland; the master list for Akron will be kept at the Akron Office; the master list for Youngstown will be kept at the Youngstown Office; and, the master list for Toledo will be kept at the Office of the Clerk at Toledo.
3. Thereafter, the Clerk shall determine the number of prospective jurors required for qualification to fill the qualified jury wheels at each seat of Court and shall direct that the computer randomly select that number of names from among all the names in the master jury wheels. An alphabetical list of the names so selected shall be prepared, together with the necessary index cards, and the juror questionnaires on the official forms prescribed by the Director of the Administrative Office of the United States Courts. Thereafter, the Clerk shall cause the questionnaires to be mailed to all prospective jurors so drawn. The questionnaires of prospective jurors to be qualified for service at Cleveland will be returned to the Office of the Clerk at Cleveland; The questionnaires of prospective jurors to be qualified for service at Akron will be returned to the Office of the Clerk at Akron; The questionnaires of prospective jurors to be qualified for service for Youngstown will be returned to the Office of the Clerk at Youngstown; And, the questionnaires of prospective jurors to be qualified for service at Toledo will be returned to the Office of the Clerk at Toledo.
4. Thereafter, when additional names are required to refill the Qualified Jury Wheels of this Court, the Clerk shall cause names to be randomly selected by the computer from the master jury wheels and questionnaires to be mailed, as provided above.

5. The minimum number of names to be placed in the master jury wheels will be as follows:

Eastern Division at Akron	18,000
Eastern Division at Cleveland	32,000
Eastern Division at Youngstown	12,000
Western Division at Toledo	18,000

The Court finds that the number of names prescribed above, in each division, exceeds one-half of one percent of the number of electors voting in the last general election.

6. The Chief Judge may order additional names to be placed in the master jury wheels from time to time, as necessary and in accordance with the formula herein above described. The master jury wheels currently in full force and effect shall be emptied and refilled every four years, not later than September 1, of the year following a general presidential election.
7. Pursuant to 28 U.S.C. Section 1878, at the option of the district court, jurors may be qualified and summoned in a single procedure, in lieu of two separate procedures otherwise provided for by the Jury Section and Service Act and this Plan.

K. DRAWING OF NAMES FROM THE MASTER JURY WHEELS: COMPLETION OF JUROR QUALIFICATION FORMS

1. The Clerk, either all at one time or at periodic intervals, shall publicly draw at random from the master jury wheels the names of as many persons as may be required to maintain an adequate number of names in the qualified jury wheels. The number of names to be drawn shall be determined by the Clerk based upon anticipated juror demands by the Court plus a margin of extra names sufficient to compensate for the estimated number that will turn out to be unavailable or ineligible.
2. The Clerk shall have prepared an alphabetized lists of names drawn. These lists shall not be exhibited to any person except as provided herein and in Sections 1867 and 1868 of the Act, as amended. The Clerk shall prepare and have mailed to every person whose name is so drawn, a juror qualification questionnaire form, accompanied by instructions to execute and return the questionnaire duly signed and sworn, to the Clerk by mail within ten (10) days, in accordance with Section 1864(a) of the Act, as amended.
3. Any person who fails to return a completed juror qualification form as instructed may be summoned forthwith to appear to fill out a juror qualification form.

L. EXCUSES ON INDIVIDUAL REQUEST

The Judges of this Court hereby find that jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with the Act and shall be granted upon individual request:

1. Persons over 70 years of age.
2. Persons who have, within the past two years, served on a federal grand or petit jury.
3. Persons having active care and custody of a child or children under 10 years of age whose health and/or safety would be jeopardized by their absence for jury service; or a person who is essential to the care of aged or infirm persons.
4. Any person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that said enterprise must close if such person were required to perform jury duty.
5. Persons active in professional occupations, such as clergymen, physicians, dentists, nurses and attorneys.
6. Persons who serve without compensation as volunteer safety personnel, such as firefighters or members of a rescue squad or ambulance crew for a public agency.

M. TEMPORARY EXCUSES

Pursuant to 28 U.S.C. 1866(c), as amended by Section 801 of Title VIII of HR. 4807, temporary excuses on the grounds of undue hardship or extreme inconvenience may be granted by the court, and under the court's supervision, by the clerk of court. The names of individuals temporarily excused shall be reinserted into the qualified jury wheel for possible resummoning.

N. EXEMPTION FROM JURY SERVICE

1. The court hereby finds that exemption of the following groups or persons or occupational classes is in the public interest and would not be inconsistent with the Act, and, accordingly, members of such groups are exempt from jury service:
 - (a) Members in active service in the Armed Forces of the United States.
 - (b) Members of the fire or police departments of any state, district, territory, possession or subdivision thereof. (It is the sense of the Court that this category does not include members of volunteer fire departments or part-time policemen or constables who have other employment.)

- (c) Public officers in the executive, legislative or judicial branches of the government of the United States, or any state, district, territory or possession or subdivision thereof who are actively engaged in the performance of official duties. Public officer shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office.

O. QUALIFICATIONS FOR JURY SERVICE

1. The Miscellaneous Duty Judge at each location of holding court, on his/her initiative or upon recommendation of the Clerk, shall determine solely on the basis of the information provided on the juror qualification questionnaire, and other competent evidence, whether a person is unqualified, exempt, or is to be excused from jury service. The Clerk shall enter such determination in the space provided on the juror qualification questionnaire and the alphabetical list of names drawn from the master jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list and if any person fails to return a completed juror questionnaire form as instructed, the Clerk shall thereupon pursue the matters each and all in accordance with the provision of Section 1864 of the Act, as amended.
2. In making such a determination, the District Judge shall deem any person qualified to serve on grand and petit juries in this District unless the person:
 - (a) is not a citizen of the United States eighteen (18) years old who has resided for a period of one year within the judicial district;
 - (b) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;
 - (c) is unable to speak the English language;
 - (d) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or
 - (e) has a charge pending against him/her for the commission of, or has been convicted in a State or Federal Court of record of a crime punishable by imprisonment for more than one year and his/her civil rights have not been restored by pardon or amnesty.

P. QUALIFIED JURY WHEEL

1. The Clerk shall maintain separate qualified jury wheels for each division in the District and shall place in such wheels the names of all persons drawn from the master jury wheel and not disqualified, exempt, or excused pursuant to this plan. The Clerk shall insure that at all times an adequate number of names are contained in each such jury wheel. An order for a group of jurors to be summoned will be directed to the computer center with instructions to follow the random selection method in the selection of those persons and the recording of their names and addresses on the summons forms.

2. The computer center will also be instructed to prepare an alphabetized list of persons summoned. These lists shall not be exhibited to any person except as provided herein and in Section 1867 & 1868 of the Act, as amended.
3. Completed summons forms, at the option of the Clerk of the Court, may be mailed to jurors by the Clerk's Office, or at the option of the Clerk, by the computer center or by a commercial mailing service.
4.
 - a. Names drawn from the qualified jury wheel for petit jury shall not be made public until the jurors have been summoned and have appeared at the courthouse, provided that any district judge may order the names to be kept confidential in any case or cases when the interests of justice so require.
 - b. Names drawn from the qualified jury wheel for grand jury shall not be made public, except upon order of the Court.
5. The qualified jury wheels shall be emptied and refilled every four years, not later than December 1, of the year following the year of a general presidential election.

Q. PUBLIC ANNOUNCEMENT OF THE PLACE AND TIME OF AUTOMATED SELECTION OF NAMES BY COMPUTER CENTER

1. The office of the Clerk of Court shall retain, and when requested, provide public access to the following documents:
 - (a) "Juror Selection Plan" of the Court, including the Plan's verbatim description of the method used in determining the method and manner of random selection.
 - (b) a verbal or graphically charted description of the procedure employed in the automated selection system; and,
 - (c) a copy of the Court's authorization and instruction order to the person or computer service organization which carries out automated name selection tasks for the Court.

R. ASSIGNMENT TO PANELS

1. Petit Jury

Names of persons summoned and appearing for petit jury service may be inserted in a panel assignment wheel, from which separate trial panels will be selected by lot. Ordinarily, all jurors will be summoned from the jury wheel of the court location in which the assigned Judge is sitting. As is needed, an individual judicial officer may issue a written order requesting the selection of a panel from another wheel(s). The Clerk shall prepare for the use of the Court and counsel a separate list of names of persons assigned to each petit jury panel.

2. On the day of trial the names of persons impaneled for that trial drawn from the qualified jury wheel shall be made public provided that any District Judge in a case or cases, where the interest of justice so require, may order that the names be kept confidential until the time of voir dire examination.

3. Grand Jury

From time to time, as a grand jury is required, the Clerk shall publicly draw, at random, a pro rata number of names from the qualified jury wheels in the eastern and western divisions. In the eastern division, for grand jurors to appear in Cleveland, the ratio used from each qualified jury wheel shall be eight (8) names from the Cleveland wheel to one (1) name from the Youngstown wheel to one (1) name from the Akron wheel. In the eastern division, for grand jurors to appear in Akron, the ratio used from each qualified jury wheel shall be six (6) names from the Akron wheel to three (3) names from the Youngstown wheel to one (1) name from the Cleveland wheel. In the western division, for grand jurors to appear in Toledo, the names shall be drawn from the Toledo qualified jury wheel. In all cases, the persons so chosen would be summoned and would constitute the grand jury array from which the grand jury would be selected to serve at Cleveland, Akron, or Toledo.

- S. FREQUENCY OF SERVICE

1. In any two-year period, no person shall be required (1) to serve or attend court for prospective service as a petit juror for a total of more than thirty (30) days, except when necessary to complete service in a particular case, or (2) serve on more than one grand jury, or (3) serve as both a grand and petit juror. A record shall be kept of the service of each juror.
2. In order to avoid an undue burden on jurors during the period of their service, reasonable requests from jurors for temporary excuses from service during the session may be considered.